

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00170-TNM**

STORY OF STUFF PROJECT v. UNITED STATES FOREST
SERVICE et al

Assigned to: Judge Trevor N. McFadden

Cause: 05:552 Freedom of Information Act

Date Filed: 01/26/2018

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

STORY OF STUFF PROJECT

represented by **Rachel Doughty**
GREENFIRE LAW, P.C.
2550 9th Street
Suite 204B
Berkeley, CA 94710
(828) 424-2005
Email: rdoughty@greenfirelaw.com
ATTORNEY TO BE NOTICED

Matt Kenna
PUBLIC INTEREST
ENVIRONMENTAL LAW
679 E. 2nd Avenue
Suite 11B
Durango, CO 81301
(970) 749-9149
Email: mattkenna@gmail.com
ATTORNEY TO BE NOTICED

Plaintiff

COURAGE CAMPAIGN INSTITUTE
TERMINATED: 07/31/2018

represented by **Rachel Doughty**
(See above for address)
ATTORNEY TO BE NOTICED

Matt Kenna
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

UNITED STATES FOREST SERVICE

represented by **Joshua L. Rogers**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2578
Fax: (202) 252-2599
Email: joshua.rogers3@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT OF
AGRICULTURE OFFICE OF
GENERAL COUNSEL**

represented by **Joshua L. Rogers**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/26/2018	<u>1</u>	COMPLAINT against UNITED STATES FOREST SERVICE, United States Department of Agriculture Office of General Counsel (Filing fee \$ 400 receipt number 0090-5305405) filed by STORY OF STUFF PROJECT, COURAGE CAMPAIGN INSTITUTE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for US Attorney Civil Process Clerk, # <u>3</u> Summons for US Attorney General, # <u>4</u> Summons for Defendant US Forest Service, # <u>5</u> Summons for Defendant US Dept of Agriculture Office of General Counsel)(Kenna, Matt) (Entered: 01/26/2018)
01/26/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by STORY OF STUFF PROJECT (Kenna, Matt) (Entered: 01/26/2018)
01/26/2018	<u>3</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by COURAGE CAMPAIGN INSTITUTE (Kenna, Matt) (Entered: 01/26/2018)
01/26/2018		Case Assigned to Judge Trevor N. McFadden. (zsb) (Entered: 01/26/2018)
01/26/2018	<u>4</u>	SUMMONS (4) Issued Electronically as to UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 01/26/2018)
01/26/2018	<u>5</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 1/26/2018. (lctnm3) (Entered: 01/26/2018)
02/05/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/5/2018. Answer due for ALL FEDERAL DEFENDANTS by 3/7/2018. (Attachments: # <u>1</u> Return Receipt)(Kenna, Matt) (Main Document 6 replaced on 2/6/2018) (znmw). (Entered: 02/05/2018)
02/05/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/5/18. (Attachments: # <u>1</u> Return Receipt)(Kenna, Matt) (Main Document 7 replaced on 2/6/2018) (znmw). (Entered: 02/05/2018)
02/05/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES FOREST SERVICE served on 2/2/2018 (Attachments: # <u>1</u> Return Receipt for U.S. Forest Service)(Kenna, Matt) (Main Document 8 replaced on 2/6/2018) (znmw). (Entered: 02/05/2018)
02/05/2018	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL served on 2/2/2018 (Attachments: # <u>1</u> Return Receipt for Office of General Counsel USDA)(Kenna, Matt) (Main Document 9 replaced on 2/6/2018) (znmw). (Entered: 02/05/2018)
02/22/2018	<u>10</u>	NOTICE of Appearance by Joshua L. Rogers on behalf of UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE (Rogers, Joshua) (Entered: 02/22/2018)
02/27/2018	<u>11</u>	NOTICE of Appearance by Rachel Doughty on behalf of All Plaintiffs (Doughty, Rachel) (Entered: 02/27/2018)
03/07/2018	<u>12</u>	ANSWER to <u>1</u> Complaint by UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE.(Rogers, Joshua) Modified to add link on 3/8/2018 (znmw). (Entered: 03/07/2018)
03/08/2018		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for

		release of the documents requested by Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before March 29, 2018. Signed by Judge Trevor N. McFadden on 3/8/2018. (lctnm3) (Entered: 03/08/2018)
03/08/2018		Set/Reset Deadlines: Parties shall meet and confer and file a Joint Status Report by 3/29/2018. (hmc) (Entered: 03/08/2018)
03/29/2018	<u>13</u>	Joint STATUS REPORT by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT. (Kenna, Matt) (Entered: 03/29/2018)
04/03/2018		MINUTE ORDER. Upon consideration of the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that the parties shall, before or on April 24, 2018, submit a Joint Status Report proposing further proceedings in the matter including, if necessary, a schedule for a <i>Vaughn</i> index and summary judgment briefing. Signed by Judge Trevor N. McFadden on 4/3/2018. (lctnm3) (Entered: 04/03/2018)
04/03/2018		Set/Reset Deadlines: Joint Status Report due by 4/24/2018. (hmc) (Entered: 04/03/2018)
04/24/2018	<u>14</u>	Joint STATUS REPORT by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT. (Kenna, Matt) (Entered: 04/24/2018)
04/25/2018		MINUTE ORDER. Upon consideration of the parties' <u>14</u> Joint Status Report, Defendants shall, before or on May 4, 2018, file a <i>Vaughn</i> index covering all redactions and withholdings of documents responsive to Plaintiffs' FOIA requests except for "email addresses, land and cell phone numbers"; Plaintiffs shall, before or on May 18, 2018, inform Defendants which documents they challenge; Defendants shall, before or on June 22, 2018, file their motion for summary judgment; Plaintiffs shall, before or on July 20, 2018, file their opposition and cross-motion for summary judgment; Defendants shall, by August 17, 2018, file their opposition and reply; and Plaintiffs shall, by August 31, 2018, file their reply. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/25/2018. (lctnm3) (Entered: 04/25/2018)
04/25/2018		Set/Reset Deadlines: Defendants' <i>Vaughn</i> Index due by 5/4/2018. Plaintiffs' response due by 5/18/2018. Defendants' Motion for Summary Judgment due by 6/22/2018. Plaintiffs' opposition to Defendants' Motion for Summary Judgment and Cross-Motion due by 7/20/2018. Defendants' opposition to Plaintiffs' Cross-Motion and reply in support of its Motion for Summary Judgment due by 8/17/2018. Plaintiffs' reply in support of its Cross-Motions due by 8/31/2018. (hmc) (Entered: 04/25/2018)
05/04/2018	<u>15</u>	NOTICE of Filing <i>Vaughn</i> Index by UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Exhibit)(Rogers, Joshua) (Entered: 05/04/2018)
05/04/2018	<u>16</u>	<i>Vaughn</i> Index from Defendants. (See docket entry no. <u>15</u>) (td) (Entered: 05/07/2018)
05/15/2018	<u>17</u>	NOTICE of Change of Address by Rachel Doughty (Doughty, Rachel) (Entered: 05/15/2018)
06/19/2018	<u>18</u>	Consent MOTION for Extension of Time to File by UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 06/19/2018)
06/19/2018		MINUTE ORDER granting the Defendants' <u>18</u> Consent Motion for Extension of Time. Defendants shall now file their motion for summary judgment before or on July 23, 2018; Plaintiffs shall, before or on August 20, 2018, file their opposition and cross-motion for summary judgment; Defendants shall, by September 17, 2018, file their opposition and reply; and Plaintiffs shall, by October 1, 2018, file their reply. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/19/2018. (lctnm3) (Entered: 06/19/2018)
06/20/2018		Set/Reset Deadlines: Defendants' motion for summary judgment due by 7/23/2018. Plaintiffs' opposition to Defendants' motion for summary judgment and cross-motion due by 8/20/2018. Defendants' reply in support of its motion for summary judgment and opposition to Plaintiffs' cross-motion due by 9/17/2018. Plaintiffs' reply in

		support of its cross-motion due by 10/1/2018. (hmc) (Entered: 06/20/2018)
07/23/2018	<u>19</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order, # <u>4</u> Rush Declaration, # <u>5</u> Adams Declaration, # <u>6</u> Attachment A, # <u>7</u> Attachment B, # <u>8</u> Attachment C, # <u>9</u> Attachment D, # <u>10</u> Attachment G, # <u>11</u> Attachment H, # <u>12</u> Attachment I, # <u>13</u> Attachment J, # <u>14</u> Attachment K, # <u>15</u> Attachment L, # <u>16</u> Attachment M, # <u>17</u> Attachment N, # <u>18</u> Attachment O, # <u>19</u> Attachment P, # <u>20</u> Attachment Q, # <u>21</u> Attachment R, # <u>22</u> Attachment S, # <u>23</u> Attachment T)(Rogers, Joshua) (Entered: 07/23/2018)
07/24/2018	<u>20</u>	ERRATA by UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE <u>19</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE. (Attachments: # <u>1</u> Attachment E, # <u>2</u> Attachment F)(Rogers, Joshua) (Entered: 07/24/2018)
07/31/2018	<u>21</u>	Unopposed MOTION for Order <i>Dismissing Courage Campaign Institute as a Party</i> by COURAGE CAMPAIGN INSTITUTE (Attachments: # <u>1</u> Text of Proposed Order Dismissing Party)(Doughty, Rachel) (Entered: 07/31/2018)
07/31/2018		MINUTE ORDER: Upon consideration of Courage Campaign Institute's <u>21</u> Unopposed Motion, and pursuant to Rule 21 of the Federal Rules of Civil Procedure, Courage Campaign Institute is hereby dismissed as a Party to this action. The case caption shall be amended to reflect this order. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/31/2018. (lctnm3) (Entered: 07/31/2018)
08/20/2018	<u>22</u>	Cross MOTION for Summary Judgment by STORY OF STUFF PROJECT (Attachments: # <u>1</u> Exh. 1 to MSJ: Fox Decl., # <u>2</u> Attach. A to Fox Decl., # <u>3</u> Attach. B to Fox Decl., # <u>4</u> Attach. C to Fox Decl., # <u>5</u> Exh. 2 to MSJ: Challenged Redactions, # <u>6</u> Exh 3-A, # <u>7</u> Exh 3-B, # <u>8</u> Exh 3-C, # <u>9</u> Exh 3-D, # <u>10</u> Exh 3-E, # <u>11</u> Exh 3-F, # <u>12</u> Exh 3-G, # <u>13</u> Exh 3-H, # <u>14</u> Exh 3-I, # <u>15</u> Exh 3-J, # <u>16</u> Exh 3-K, # <u>17</u> Exh 3-L, # <u>18</u> Exh 3-M, # <u>19</u> Exh 3-N, # <u>20</u> Exh 3-O, # <u>21</u> Exh 3-P, # <u>22</u> Exh 3-Q, # <u>23</u> Exh 3-R, # <u>24</u> Exh 3-S, # <u>25</u> Exh 3-T, # <u>26</u> Exh 3-U, # <u>27</u> Exh 3-V, # <u>28</u> Exh 3-W, # <u>29</u> Exh 3-X, # <u>30</u> Exh 3-Y, # <u>31</u> Exh 3-Z, # <u>32</u> Exh 3-AA, # <u>33</u> Exh 3-BB, # <u>34</u> Exh 3-CC, # <u>35</u> Exh 3-DD, # <u>36</u> Exh 3-EE, # <u>37</u> Exh 3-FF, # <u>38</u> Exh 3-GG, # <u>39</u> Exh 3-HH, # <u>40</u> Exh 3-II, # <u>41</u> Exh 3-JJ, # <u>42</u> Exh 3-KK, # <u>43</u> Exh 3-LL, # <u>44</u> Exh 3-MM, # <u>45</u> Exh 3-NN, # <u>46</u> Exh 3-OO, # <u>47</u> Exh 3-PP, # <u>48</u> Exh 3-QQ, # <u>49</u> Exh 3-RR, # <u>50</u> Exh 3-SS, # <u>51</u> Exh 3-TT, # <u>52</u> Exh 3-UU, # <u>53</u> Exh 3-VV, # <u>54</u> Exh 3-WW, # <u>55</u> Proposed Order)(Doughty, Rachel) (Entered: 08/20/2018)
08/20/2018	<u>23</u>	Memorandum in opposition to re <u>19</u> MOTION for Summary Judgment filed by STORY OF STUFF PROJECT. (Attachments: # <u>1</u> Exh 1 to MSJ: Fox Decl., # <u>2</u> Attach. A to Fox Decl., # <u>3</u> Attach. B to Fox Decl., # <u>4</u> Attach. C to Fox Decl., # <u>5</u> Exh. 2 to MSJ: Challenged Redactions, # <u>6</u> Exh. 3-A, # <u>7</u> Exh 3-B, # <u>8</u> Exh 3-C, # <u>9</u> Exh 3-D, # <u>10</u> Exh 3-E, # <u>11</u> Exh 3-F, # <u>12</u> Exh 3-G, # <u>13</u> Exh 3-H, # <u>14</u> Exh 3-I, # <u>15</u> Exh 3-J, # <u>16</u> Exh 3-K, # <u>17</u> Exh 3-L, # <u>18</u> Exh 3-M, # <u>19</u> Exh 3-N, # <u>20</u> Exh 3-O, # <u>21</u> Exh 3-P, # <u>22</u> Exh 3-Q, # <u>23</u> Exh 3-R, # <u>24</u> Exh 3-S, # <u>25</u> Exh 3-T, # <u>26</u> Exh 3-U, # <u>27</u> Exh 3-V, # <u>28</u> Exh 3-W, # <u>29</u> Exh 3-X, # <u>30</u> Exh 3-Y, # <u>31</u> Exh 3-Z, # <u>32</u> Exh 3-AA, # <u>33</u> Exh 3-BB, # <u>34</u> Exh 3-CC, # <u>35</u> Exh 3-DD, # <u>36</u> Exh 3-EE, # <u>37</u> Exh 3-FF, # <u>38</u> Exh 3-GG, # <u>39</u> Exh 3-HH, # <u>40</u> Exh 3-II, # <u>41</u> Exh 3-JJ, # <u>42</u> Exh 3-KK, # <u>43</u> Exh 3-LL, # <u>44</u> Exh 3-MM, # <u>45</u> Exh 3-NN, # <u>46</u> Exh 3-OO, # <u>47</u> Exh 3-PP, # <u>48</u> Exh 3-QQ, # <u>49</u> Exh 3-RR, # <u>50</u> Exh 3-SS, # <u>51</u> Exh 3-TT, # <u>52</u> Exh 3-UU, # <u>53</u> Exh 3-VV, # <u>54</u> Exh 3-WW, # <u>55</u> Proposed Order)(Doughty, Rachel) (Entered: 08/20/2018)
09/13/2018	<u>24</u>	Consent MOTION for Extension of Time to File Response/Reply by UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 09/13/2018)
09/14/2018		MINUTE ORDER: Upon consideration of Defendants' <u>24</u> Consent Motion for Extension of Time to File, it is hereby ORDERED that Defendants shall file their opposition and reply on or before November 1, 2018. Plaintiffs shall file their reply to Defendants' opposition by November 15, 2018. Signed by Judge Trevor N. McFadden

		on 9/14/2018. (lctnm3) (Entered: 09/14/2018)
09/17/2018		Set/Reset Deadlines: Defendants' reply in support of their Motion for Summary Judgment and opposition to Plaintiff's Cross-Motion due by 11/1/2018. Plaintiff's reply in support of its Cross-Motion due by 11/15/2018. (hmc) (Entered: 09/17/2018)
11/01/2018	<u>25</u>	REPLY to opposition to motion <u>19</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE. (Attachments: # <u>1</u> Exhibit Ex. A, Lawrence Decl., # <u>2</u> Exhibit Ex. B, 2d Rush Decl., # <u>3</u> Exhibit Ex. C, 2d Vaughn Index)(Rogers, Joshua); Modified text and link on 11/14/2018 (tth). (Entered: 11/01/2018)
11/01/2018	27	Memorandum in opposition to re <u>22</u> Cross MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE. (See Docket Entry <u>25</u> to view document) (tth) (Entered: 11/14/2018)
11/09/2018	<u>26</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> Cross MOTION for Summary Judgment by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT (Attachments: # <u>1</u> Text of Proposed Order)(Kenna, Matt) (Entered: 11/09/2018)
11/09/2018		MINUTE ORDER: Upon consideration of the Plaintiff's <u>26</u> Motion for Extension of Time, it is hereby ORDERED that the Plaintiff shall file its Reply in Support of its Motion for Summary Judgment on or before December 3, 2018. Signed by Judge Trevor N. McFadden on 11/9/2018. (lctnm3) (Entered: 11/09/2018)
11/09/2018		Set/Reset Deadlines: Plaintiff's Reply in support of its Motion for Summary Judgment due by 12/3/2018. (hmc) (Entered: 11/09/2018)
11/26/2018	<u>28</u>	NOTICE of Filing of Tables of Contents and Authorities by UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Motion for Summary Judgment Table of Contents, # <u>2</u> Motion for Summary Judgment Table of Authorities, # <u>3</u> Reply Table of Contents, # <u>4</u> Reply Table of Authorities)(Rogers, Joshua) (Entered: 11/26/2018)
12/03/2018	<u>29</u>	REPLY to opposition to motion re <u>22</u> Cross MOTION for Summary Judgment filed by STORY OF STUFF PROJECT. (Attachments: # <u>1</u> Declaration of Zachary Marker with Exhibits A & B, # <u>2</u> Exhibit C D & E to Zachary Marker Declaration, # <u>3</u> Exhibit F & G to Zachary Marker Declaration, # <u>4</u> Exhibit H part One to Zachary Marker Declaration, # <u>5</u> Exhibit H Part Two to Zachary Marker Declaration, # <u>6</u> Exhibit I & J to Zachary Marker Declaration, # <u>7</u> Declaration of Michael O'Heaney with Exhibits)(Kenna, Matt) (Entered: 12/03/2018)
12/03/2018	30	REQUEST for In Camera Review. (See Docket Entry <u>29</u> to view document) (tth) (Entered: 12/11/2018)
12/26/2018	<u>31</u>	MOTION to Stay <i>All Proceedings in Light of Lapse of Appropriations</i> by UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF GENERAL COUNSEL, UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 12/26/2018)
01/02/2019		MINUTE ORDER granting <u>31</u> Motion to Stay. Upon considering the Defendant's <u>31</u> Motion to Stay, it is hereby ordered that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. It is further ordered that the Defendant will notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/2/2019.(lctnm2) (Entered: 01/02/2019)